

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**DOCKETED**

**OCT 15 2004**

**JUDGE HART**

WILLIAM REBER, L.L.C.

Plaintiff,

v.

NEC USA, INC., NEC CORPORATION,  
SHARP ELECTRONICS  
CORPORATION, SHARP  
CORPORATION, AUDIOVOX  
ELECTRONICS CORPORATION

Defendants.

**04C 6640**

Civil Action No. :

**MAGISTRATE JUDGE KEYS**

**JURY TRIAL DEMANDED**

FILED FOR DOCKETING  
ED-7  
04 OCT 14 PM 4:13  
CLERK  
U.S. DISTRICT COURT

**COMPLAINT**

Plaintiff, William Reber, L.L.C. ("Reber"), complains of defendants, NEC USA, Inc., NEC CORPORATION (collectively "NEC"), SHARP ELECTRONICS CORPORATION, SHARP CORPORATION (collectively "SHARP"), and AUDIOVOX ELECTRONICS CORPORATION ("AUDIOVOX") as follows:

**NATURE OF LAWSUIT**

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. § 1338(a).

**PARTIES**

2. Reber is an Illinois limited liability company having a principal place of business in this judicial district at 2812 Deerfield Lane, Rolling Meadows, Illinois 60008.

3. Reber owns and has standing to sue for infringement of United States Patent No. 5,701,258 (the "Reber Patent").

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4. NEC USA, INC. is a Delaware corporation having a principal place of business at 8 Corporate Center Drive, Melville, New York 11747.

5. NEC CORPORATION is a Japanese corporation having a principal place of business at 7-1 Shiba 5-chome, Minato-ku, Tokyo, Japan.

6. SHARP ELECTRONICS CORPORATION is a Delaware corporation having a principal place of business at Sharp Plaza, Mahwah, New Jersey 07430-2135.

7. SHARP ELECTRONICS CORPORATION has a registered agent in this judicial district: CT Corporation System, 208 S. Lasalle St., Suite 814, Chicago, Illinois 60604-1101.

8. SHARP CORPORATION is a Japanese corporation having a principal place of business at 22-22 Nagaiki-cho, Abeno-ku, Osaka 545-8522, Japan.

9. AUDIOVOX ELECTRONICS CORPORATION is a Delaware corporation having a principal place of business at 150 Marcus Boulevard, Hauppauge, New York 11788.

#### VENUE

10. Venue is proper in this judicial district under 28 U.S.C. §1400(b). The defendants transact business in this judicial district by selling infringing products in such a way as to directly reach and interact with customers in this judicial district. NEC has sold the 525 camera cellphone in this judicial district. SHARP has sold the TM150 camera cellphone in this judicial district. AUDIOVOX has sold the PM-8920 camera cellphone in this judicial district.

**CLAIMS**

11. Defendants have infringed and continue to infringe United States Patent No. 5,701,258 through among other activities, the manufacture, use, importation, sale and/or offer for sale of cellular telephones covered by at least one claim of United States Patent No. 5,701,258. Defendants have also infringed and continue to infringe United States Patent No. 5,701,258 by actively inducing others to infringe with specific intent and by contributing to the infringement by others by the use, sale and/or offer for sale of the infringing cellular telephones. The infringement that has occurred is at least of the following claims through commercialization of at least the following model phones:

	<b><u>Claims of '258 Patent</u></b>	<b><u>Model Nos.</u></b>
NEC	1, 2, 4, 7, 8 9, 11, 12, 13, 15, 17, 18, 33	NEC 525
SHARP	1, 2, 4, 5, 9, 11, 12, 13, 15, 16, 33	TM150
AUDIOVOX	1, 2, 4, 9, 11, 12, 13, 15, 33	PM-8920

12. Each defendant's infringement, contributory infringement and/or inducement to infringe has injured Reber, and Reber is entitled to recover damages adequate to compensate Reber for such infringement, but in no event less than a reasonable royalty.

13. Each defendant's infringement, contributory infringement and/or inducement to infringe has injured and will continue to injure Reber, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further importation, manufacture, use, sale and/or offer for sale of products that are within the scope of the Reber Patent.

**RELIEF**

WHEREFORE, Reber asks this Court to enter judgment against defendants, separately and jointly, and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate Reber for the infringement that has occurred, together with prejudgment interest from the date infringement of the Reber Patent began;
- B. an award to Reber of all remedies available to it under 35 U.S.C. §§ 284 and 285;
- C. a permanent injunction prohibiting further infringement of the Reber Patent; and
- D. such other and further relief as this Court or jury may deem proper and just.

**JURY DEMAND**

Plaintiff Reber demands a trial by jury on all issues presented in this Complaint.

WILLIAM REBER, L.L.C.



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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

JUDGE HART

MAGISTRATE JUDGE KEYS

**Civil Cover Sheet** **04C 6640**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the Northern District of Illinois.

**Plaintiff(s): William Reber, L.L.C.****Defendant(s):** NEC USA, INC., NEC CORPORATION, SHARP ELECTRONICS CORPORATION, SHARP CORPORATION, AUDIOVOX ELECTRONICS CORPORATION

County of Residence: Cook

**DOCKETED****OCT 15 2004**

Plaintiff's Atty:

Vasilios D. Dossas

Niro, Scavone, Haller &amp; Niro

181 West Madison Street - Suite 4600,

Chicago, IL 60602-4515

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County of Residence:

Defendant's Atty:

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II. Basis of Jurisdiction: 3. Federal Question (U.S. not a party)III. Citizenship of Principal Parties (Diversity Cases Only)

Plaintiff: - N/A

Defendant: - N/A

IV. Origin: 1. Original ProceedingV. Nature of Suit: 5,701,258 PatentVI. Cause of Action: 830 Patent Infringement 35 U.S.C. Section 271VII. Requested in Complaint

Class Action: No

Dollar Demand:

Jury Demand: Yes

VIII. This case **IS NOT** a refiling of a previously dismissed case.Signature: Vasilios DossasDate: 10/14/04

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